IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 9470 of 2007(B)

PETITIONER:

---

1. M/S.THURANNAKZATHU PUBLICATIONS,
   REPRESENTED BY ITS PROPRIETRIX,S.SARASWATHY,
   RESIDING AT 2/81,NEW KALPATHY,PALAKKAD-3.

2. V.VIKRAMANUNNI,SIVASREE,AVUNJIPADAM,
   AMBIKAPURAM P.O,VIA KALPATHY,PALAKKAD.

BY ADV. SMT.K.GIRIJA

RESPONDENTS:

---

1. CANARA BANK REPRESENTED BY ASSISTANT
   GENERAL MANAGER,REGIONAL OFFICE,AZEEZ BUILDING
   BOC ROAD,BIG BAZAR,PALAKKAD.

2. CHIEF MANAGER,CANARA BANK,SULTANPET,
   PALAKKAD.

BY ADV. SRI.PAULY MATHEW MURICKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE HALF OF THE OPENING PAGE OF THE "THURANNA KATHU DAILY" DATED 14.3.2007.

EXT.P2: TRUE COPY OF THE COMMUNICATION DATED 9.2.2006 ISSUED BY THE 2ND REPSONDENT INFORMING THE 1ST PETIITONER.

EXT.P3: TRUE COPY OF THE COMMUNICATION DATED 19.6.2006 ISSUED BY THE 2ND REPSONDENT TO THE 1ST PETITIONER.

EXT.P4: TRUE COPY OF THE NOTICE OF SALE THAT APPEARED IN THE MATHRUBHUMI DATED 9.3.2007 WHEREIN ITEM NOS.2 AND 3 OF THE SECURED ASSETS.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.9470 OF 2007

Dated this the 18th day of August, 2007

JUDGMENT

Heard counsel for parties. I do not find any ground to interfere with the impugned recovery proceedings since it is pointed out by the learned counsel for the Bank that the petitioner could approach the Adalath that is being held, provided some more amount is paid before that. Under such circumstances, having regard to the totality of the facts and circumstances, this writ petition is disposed of directing that if the petitioner remits a further amount of Rupees Three Lakhs over and above the amount that has already been remitted, the case of the petitioner will be considered by the Bank in its next Adalath, on an appropriate application in that regard being made, after making such deposit. A decision will be taken by the Bank in accordance with the policy of the Bank. If the Adalath is not within a week from now, it would be sufficient that the petitioner will make the deposit within one week.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.